

VZCZCXYZ0005
OO RUEHWEB

DE RUEHC #1203 1632327
ZNR UUUUU ZZH
O 122303Z JUN 09
FM SECSTATE WASHDC
TO AMEMBASSY SKOPJE IMMEDIATE 0000

UNCLAS STATE 061203

SIPDIS

E.O. 12958: N/A
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [MK](#)
SUBJECT: MACEDONIA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. (A) STATE 59732
[1](#)B. (B) STATE 005577

- [1](#)1. This is an action cable; see paras 5 through 7 and 10.
- [1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.
- [1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Macedonia of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Macedonia and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.
- [1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP,s Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.
- [1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Macedonia of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.
- [1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Macedonia,s country narrative in the 2009 TIP Report:

Macedonia (TIER 1)

Macedonia is a source, transit, and destination country for women and children trafficked for the purpose of commercial sexual exploitation. Macedonian women and children are trafficked internally within the country. Victims trafficked into Macedonia are primarily from Albania and Kosovo. Macedonian victims and victims transiting through Macedonia are trafficked to South Central and Western Europe. Children, primarily ethnic Roma, are trafficked for the purpose of forced begging within the country. Victims were trafficked for the purpose of forced labor in Macedonia,s service sectors. Traffickers, modus operandi continued to evolve in response to law enforcement tactics, including increased use of more hidden, private sectors, such as beauty salons and massage parlors.

The Government of Macedonia fully complies with the minimum standards for the elimination of trafficking. While the government could strengthen its performance in certain areas, the government improved implementation of the anti-trafficking statute to obtain convictions of trafficking offenders and continued to expand the usage of its victim-centered standard operating procedures for the treatment and protection of trafficking victims.

Recommendations for Macedonia: Continue appreciable progress in victim protection and assistance; proactively implement the new standard operating procedures on victim identification; ensure institutionalized protection and reintegration services for victims; continue to ensure convicted traffickers receive adequate jail time; vigorously prosecute, convict, and punish public officials complicit in trafficking; and expand overall prevention and demand reduction awareness efforts to educate clients of the sex trade and forced labor about trafficking.

Prosecution

The Government of Macedonia demonstrated some important progress in its anti-trafficking law enforcement efforts in 2008 by decreasing processing times for trafficking cases and securing increased sentences for convicted trafficking offenders. While one organization reported that traffickers were still sometimes prosecuted under smuggling laws, significant improvement in prosecuting suspected traffickers under the anti-trafficking statute was reported during the year. The government prohibits sex and labor trafficking through its 2004 criminal code; Article 418(a) and (g) covers all forms of trafficking in persons. The minimum penalty prescribed for trafficking for commercial sexual exploitation is four years, imprisonment, which is sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. In 2008, the government prosecuted 11 cases under article 418(a) and (g) involving 28 trafficking suspects, resulting in the conviction of 17 trafficking offenders. The average sentence imposed was 5 years, imprisonment. The government prosecuted three cases on forced labor charges. These prosecutions resulted in eight sentences: four of four years, two of five years and one six year and one seven year sentence. There were reports that some law enforcement officials, including prosecutors and judges, continued to demonstrate an inadequate understanding of trafficking and insensitivity towards victims, rights, including in courtroom settings. The government did not

prosecute any acts of trafficking related complicity by government officials during the reporting period; however, reports indicated that corruption continued to directly hamper Macedonia's anti-trafficking efforts. For example, local brothel owners were occasionally tipped off prior to raids, allowing traffickers to elude law enforcement and brothel owners to hide potential trafficking victims.

Protection

The Government of Macedonia demonstrated some progress in its protection of trafficking victims in 2008. It continued to conduct training, with the support of international donors, on its standard operating procedures (SOPs) on the identification and referral of trafficking victims, and implementation of these procedures has continued to improve; however, application of the SOPs by local police was at times ad hoc and dependent on particular, victim-sensitive officers. The government has acknowledged that local police need more consistent understanding and application of the SOPs, and in January 2009 implemented a new requirement that all raids conducted by local police must include an officer from the police anti-trafficking unit. An international organization reported that border police did not employ systematic procedures to identify trafficking victims among migrants at Macedonian borders, although several victims were identified as a result of border police efforts. The government did not take proactive and systematic efforts to identify victims among vulnerable groups within its labor sectors. The government has not yet funded an NGO providing protection and assistance to domestic trafficking victims. It recently announced plans to take over full financial and material responsibilities for the country's domestic trafficking shelter, but there were concerns about the impact on victims, rights; these concerns were addressed and alleviated in a January meeting between the government and the NGO that voiced them. The government continues to operate a reception center for foreign migrants and trafficking victims; victim's freedom of movement in this center is severely restricted. Although law enforcement reported it identified 130 &presumed8 victims in 2008 only 18 victims, 14 of whom were Macedonian, qualified as trafficking victims during the reporting period. The government encouraged victims to participate in investigations and trials. The government in January 2008 created provisions for the offering of a six-month residency permit and reflection period to foreign victims; none of the 118 presumed foreign victims identified during the reporting period requested this permit. Presumed domestic victims were entitled to a 30-day reflection period in the domestic shelter before taking part in a formal interview process with a trained trafficking specialist. The government provided some reintegration support through its 27 Centers for Social Welfare. These centers assisted seven victims in 2008. NGOs and international experts reported some problems with the government's identification process, resulting in possible misidentification of potential trafficking victims by local authorities.

Prevention

The government collaborated with NGOs and the international community in its trafficking prevention efforts and in December 2008 drafted a National Action Plan for the years 2009-2012. It did not provide any direct financial support for NGOs conducting anti-trafficking prevention activities during the reporting period, but continued to provide significant in-kind support. In May 2008, the government conducted a nationwide survey to determine the public's level of awareness about trafficking. Based on the findings, it conducted nine public roundtables throughout the country. The government included mandatory training in its primary and secondary school curriculum to prevent trafficking. In December 2008, the National Commission organized a national anti-trafficking week. The Commission set up booths in over a dozen cities throughout Macedonia to distribute anti-trafficking materials, and high-level officials spoke out about trafficking. In January 2009, the National Commission published an annual report on its anti-trafficking efforts. The government did not fund or initiate any

awareness campaigns to reduce demand for forced labor or commercial sex in 2008; however, it used some IOM-funded materials aimed at demand during its anti-trafficking week.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make

significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Macedonia given a rank of Tier 1?

A: The Government of Macedonia fully complies with the minimum standards for the elimination of trafficking.

Q2: What progress has Macedonia made in the past year?

A: The government improved implementation of the anti-trafficking statute to obtain convictions of trafficking offenders and continued to expand the usage of its victim-centered standard operating procedures for the treatment and protection of trafficking victims.

Q3: What can Macedonia do to improve its fight against trafficking in persons?

A: To improve its anti-trafficking performance, the Macedonian government could: continue appreciable progress in victim protection and assistance; continue to proactively implement the new standard operating procedures on victim identification; ensure institutionalized protection and reintegration services for victims; continue to ensure convicted traffickers receive adequate jail time; vigorously prosecute, convict, and punish public officials complicit in trafficking; and expand overall prevention and demand reduction awareness efforts.

¶12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON